

**PHYSICAL THERAPY BOARD OF CALIFORNIA**

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**APPROVED
BOARD MEETING MINUTES
October 27, 2005**

Washington Inn
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Thursday, October 27, 2005

9:00 A.M. - Board Meeting

Thursday October 27, 2005 9:00 A.M.**1. Call To Order and Roll Call**

President Chu called the meeting of the Physical Therapy Board of California to order at 9:02 a.m. Roll call was taken.

Donald Chu, PhD, PT – President
Lorraine Kimura, PT – Vice-President
Julie Brandt
Ellen Wilson, PT

All members were present with the exception of Julie Brandt. The Board did not have a quorum.

2. 9:00 A.M. Petition for Reinstatement Hearing

- (A) Open Session - Petition for Reinstatement Hearing – Halee Craig Knoefler, PT
- (B) The Board will convene in CLOSED SESSION to deliberate per Government Code 11126(c)(3).

The Petition for Reinstatement Hearing was conducted by the Administrative Law Judge (ALJ). Members were not able to vote or participate in the hearing since the Board did not have a quorum.

The decision is available on the Board's website at www.ptb.ca.gov.

3. The Board will convene in CLOSED SESSION to deliberate on disciplinary decisions and stipulations per Government Code 11126(c)(3)

- (A) Shlomit Bercovich, PT

Anita Scuri, Legal Counsel, informed the Board their votes will need to be mailed in since the Board did not have a quorum.

Disciplinary decisions are available on the Board's website at www.ptb.ca.gov.

APPROVED BOARD MEETING MINUTES

October 27, 2005

4. Evaluation of Executive Officer - CLOSED SESSION (Per Title 2, Division 3, Part 1, Section 11126(a)(1) of the Government Code)

The executive officers evaluation was held in closed session.

5. Approval of Minutes

(A) August 4, 2005 – Board Meeting

President Chu reported the Board could not make a motion on the August 4, 2005 Board meeting minutes but would accept comments. No comments made. Approval of the minutes will be moved to the February meeting.

6. President's Report – Donald Chu, PhD, PT

(A) Update

(B) 2005 Meeting Dates

Mr. Hartzell informed the Board the Sunset Review Hearing has been scheduled for December 6, 2005. He suggested the Board prepare to plan an additional Board meeting following the Sunset Hearing on December 6 if the Board received new Board Member appointments. There is also a Board Member Orientation on December 7, 2006.

(C) 2006 Meeting Dates

President Chu reviewed the 2006 Meeting Calendar developed by staff. The Board will meet on the following dates: February 6 & 7 Board Meeting in San Diego; May 11 & 12 Board Meeting in Los Angeles, August 3 & 4 Board Meeting in Sacramento; September 9 – 12 FSBPT Annual Meeting in Portland, OR; and October 11 & 12 Board Meeting in San Jose.

(D) Status of Board Member Appointments

Nancy Hall, Deputy Director of Board Relations at Department of Consumer Affairs, reported DCA is reviewing new appointments that will hopefully be made by next month.

(E) Update on Federation of State Boards of Physical Therapy

President Chu reported on attending the FSBPT Annual Conference and that the FSBT will be donating \$25,000 to the Katrina Fund.

7. Executive Officer's Report -Steven K. Hartzell

(A) Update

Mr. Hartzell reported the Applicant Tracking System is now in effect and staff is currently reviewing the application process to determine if any changes need to be made to be more effective.

(B) 2004 - 2005 Budget

(C) 2005 - 2006 Budget & BCP's

Mr. Hartzell directed members to the 2005-2006 Budget report included in the agenda book.

APPROVED BOARD MEETING MINUTES

October 27, 2005

(D) Operational Board Audit by the Internal Audit Office for the 2005/2006 Sunset Review

Mr. Hartzell reported the Internal Audit Office is still in the process of performing the Operational Audit of the Board. Mr. Hartzell informed the Board he asked the auditors to review the cashiering process to determine if utilizing the Medical Board of California is adequate or if this function should be transferred back to the Board.

(E) Licensees Relocating to California due to recent Hurricanes

Mr. Hartzell reported staff reviewed the laws and regulations to see how the process could be changed to assist those individuals relocating to California due to Hurricane Katrina.

8. **Rulemaking** – *Michael McCormick*

(A) Rulemaking in Progress

(B) 2006 Rulemaking Calendar

Ms. Marco directed members to the Rulemaking Calendar in the agenda book and reported that the rulemaking files listed have been completed except for the Cite and Fine regulation. Staff will provide an update on the Cite and Fine regulation at the next Board meeting. The regulations pending are attached to Sunset and will be placed on the 2007 Rulemaking Calendar. The Complaint Disclosure regulation will be removed from the 2006 Rulemaking Calendar since this is not the direction of the current administration.

Ms. Marco indicated the 2006 Rulemaking Calendar has been composed by staff and if the Board would like to add anything else now is the time to make additions or changes.

9. **Strategic Plan** – *Rebecca Marco*

(A) Strategic Plan

Ms. Marco directed members to the Strategic Plan included in the agenda book and explained this is the new format that was recommended by Travis McCann and asked if the Board had any changes or revisions. No changes were made.

(B) Strategic Plan Matrix Chart

Ms. Marco directed members to the briefing papers prepared by staff outlining the status of current strategic planning goals and objectives. Ms. Marco reported on her briefing paper and that the new format of the California Law Examination would become effective on January 1, 2006.

Ms. Hayer reported on the status of issuing non-paper licenses and non-paper licenses with the licensees photograph. She presented members a sample of the non-paper license and explained the process and procedures that would need to be implemented in order for staff to execute issuing these types of licenses. Members were receptive and supportive of staff moving forward with exploring issuing non-paper licenses with and without the photo. Members also requested staff to begin issuing licenses initially without the photograph but to continue moving forward with implementing a non-paper license with a photograph.

APPROVED BOARD MEETING MINUTES

October 27, 2005

Ms. Metzen directed members to her briefing paper included in the agenda book and reported that since the ELEERs will identify any education deficiencies, Board staff will no longer summarize education deficiencies for the applicant. Ms. Metzen also reported staff has identified that the Certificate of Completion (P1E) form for foreign educated applicants is a duplication to the evaluation report since the applicant is already required to submit official transcripts to the evaluation services. Therefore staff is no longer requiring foreign educated applicants to submit the P1E form with their application. There was no objection with staff's decision.

Mr. Hartzell reported on Mr. McCormick's briefing paper on eliminating the delinquent grace renewal fee and explained it would take legislative changes to the practice act to pursue the authority for this goal.

Ms. Mitchell reported on her briefing paper included in the agenda book regarding outreach and diversion goals. There was no action request at this time on any of the goals and objectives.

10. Sunset Report – *Steven K. Hartzell*

Mr. Hartzell reported the Sunset Hearing has been scheduled for December 6, 2005 at 10:30 am.

11. Newsletter – *Debi Mitchell*

Ms. Mitchell directed members to the Progress Notes included in the agenda book and asked if members had any revisions. Members and legal counsel had small grammatical changes that were provided to Ms. Mitchell in writing.

12. Licensing - *Ellen Wilson, PT*

- (A) The Board will review and take actions on applications submitted by individuals who are applying for licensure as a physical therapist or a physical therapist assistant (e.g. letters of appeal, requests for application extensions, credential reports that do not meet the criteria for review at the staff level)
- (B) Discuss and take action on current policy of requiring foreign educated physical therapists to submit the Certificate of Completion form with their application.

Please see the attached Meeting Bullets.

13. Practice Issues - *Lorraine Kimura, PT*

- (A) The Board will review, discuss, and take actions on practice issues that have been submitted to the Board.

Please see the attached Meeting Bullets.

14. Disciplinary Action Report – *Donald Chu, PhD, PT*

President Chu directed members to the Disciplinary Action report included in the agenda book.

15. Consumer and Professional Associations and Intergovernmental Relations – *Steve Hartzell*

- (A) California Physical Therapy Association (CPTA)

APPROVED BOARD MEETING MINUTES

October 27, 2005

Patty Evans, CEO, CPTA, reported Stacey DeFoe has accepted another position and is no longer with the CPTA. Ms. Evans has taken on Ms. DeFoe's responsibilities until a replacement has been hired. Ms. Evans reported the Government Affairs Committee review the Sunset Report and will be assisting in finding authors for the bills.

(B) Federation of State Boards of Physical Therapy (FSBPT)

Mr. Hartzell reported he has been invited by the FSBPT to participate in a focus group on continuing competency.

(C) California Consumer Affairs Association (CCAA)

Ms. Scuri reported the CCAA is having their conference in Los Angeles today.

(D) Department of Consumer Affairs (DCA)

Mr. Hartzell reported DCA would be relocating to their new building in the month of December.

(E) Citizen Advocacy Center (CAC)

(F) California Board of Occupational Therapy (CBOT)

Ms. Mitchell directed members to the briefing paper included in the agenda. Mr. Hartzell reported the CBOT has hired a new Executive Officer, Heather Graham.

(G) Board of Chiropractic Examiners (BCE)

Ms. Marco directed members to Mr. McCormick's briefing paper that was handed out.

16. Legislation

A) 2005 Legislation

Mr. Hartzell reported the massage bill became a two-year bill.

B) 2006 Proposed Legislation

There was nothing to report.

17. Items for Next Meeting Agenda

(A) PTBC Meeting – February 2006 in San Diego

There were no items discussed.

18. Public Address

President Chu expressed his appreciation to the Ohlone physical therapist assistant students for attending the meeting.

APPROVED BOARD MEETING MINUTES

October 27, 2005

19. Adjournment

The Physical Therapy Board of California adjourned at 2:12 p.m.

Moved by Ellen Wilson, Seconded by Phillip Chen to approve the October 27, 2005 meeting minutes as written. Vote: 4-0. Motion carried.

Donald Chu, PhD, PT – President

Date